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IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1978

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No. 77-1809

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SEDALIA-MARSHALL-BOONVILLE STAGE LINE, INC.,

v. *Petitioner,*

NATIONAL MEDIATION BOARD

and

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
CHAUFFEURS, WAREHOUSEMEN AND  
HELPERS OF AMERICA,

*Respondents.*

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BRIEF FOR RESPONDENT IN OPPOSITION TO  
MOTION OF COMMUTER AIRLINE ASSOCIATION  
OF AMERICA FOR LEAVE TO FILE BRIEF  
AS AMICUS CURIAE

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The Commuter Airline Association of America has moved for leave to file an *amicus curiae* brief in support of Petitioner's application for writ of certiorari, pursuant to Rule 42. Respondent has refused to consent to the Association's request and opposes the granting of leave to file for the following reasons.

Rule 42(3) sets forth the primary justification for permitting an entity not directly involved in the litigation to file a brief as an *amicus curiae*; namely, the presentation of facts or questions of law which might

not otherwise be adequately presented by the parties. However, in the Association's application, the issues which are identified as being "central to the disposition" of this case are the identical issues raised by the Petitioner.

Petitioner is competent to present the factual and legal questions at issue in this litigation to the Court. Petitioner's counsel represented Petitioner in the United States District Court for the Southern District of Iowa and argued the case before the United States Court of Appeals for the Eighth Circuit. Counsel has also represented Petitioner in a companion case which arose from the events underlying the dispute herein. See *International Brotherhood of Teamsters v. Sedalia-Marshall-Boonville Stage Line, Inc.*, No. 76-325-2, (S.D. Iowa 1978), *appeal docketed*, No. 78-1178, 8th Cir., April 17, 1978. Counsel is thoroughly familiar with the facts and questions of law presented in the instant case and has briefed and argued them in the courts below.

Thus, the Association will neither present new and relevant issues to the Court nor is the Association as qualified as Petitioner to present the factual information and legal arguments in support of those issues. If the Association's motion is granted, it will delay the disposition of the Petition and may encourage other industry groups to move for leave to file briefs as *amicus curiae*, thereby further delaying the Court's consideration of the Petition.

### CONCLUSION

For all of the foregoing reasons, the motion of the Commuter Airline Association of America for leave to file a brief as *amicus curiae* should be denied.

Respectfully submitted,

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